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California Regional Water Quality Control Board

San Diego Region

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Gray Davis
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Potential Bidders:

Response to Bidders' Questions Invitation for Bid No. 79190-72 March 21, 2003

The Regional Board has compiled the questions received during the bid process for IFB 79190-72 – Laboratory Analytical Services. The Regional Board has prepared written responses to these questions, and is providing them to all bidders as an attachment to this cover.

The deadline for submission of questions was March 19, 2003. No additional questions may be submitted and written responses will not be provided after that date.

Note that completed bids must be submitted to this office by March 31, 2003, no later than 5 p.m.

Original signed by
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Attachment: "Response to Bidders Questions"

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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1. **QUESTION (Louise Adams, HP Labs, 1/10/03 via phone):** What were the costs for analytes that were accepted by the RWQCB in the last bid cycle for the Lab Contract?
REGIONAL BOARD ANSWER: The previous schedule of costs is available for viewing on the Regional Board website (<http://www.swrcb.ca.gov/rwqcb9/misc/lab.html>).
2. **QUESTION (Mike Chambers, Environmental Engineering Lab, 1/10/03 via phone):** Can radiological analyses be excluded from 35% subcontracting limit?
REGIONAL BOARD ANSWER: YES. An addendum to the IFB now reads, "Laboratory analyses may be subcontracted to other laboratories, within California, up to a **maximum of 35 percent**, excluding the toxicity analyses **and radiological analyses**." See Addendum No. 3 for revisions.
3. **QUESTION (Mike Chambers, Environmental Engineering Lab, 1/10/03 via phone):** Page A-18, Section D, Item 1, which states, "1.Metals (ICAP or AA)(See Section B.1. above)" in the cost tables is missing the quantity.
REGIONAL BOARD ANSWER: This line has been deleted. See Addendum No. 3 for revisions.
4. **QUESTION (Mike Chambers, Environmental Engineering Lab, 1/14/03 via letter):** Pages A-1, A-2, A-4, A-5, A-13, A-14, A-15. The IFB does not specify using EPA Method 300.0 for Chloride, Fluoride, Nitrate, Nitrite, ortho-Phosphate, Sulfate or Bromide. Can these methods be substituted and/or utilized?
REGIONAL BOARD ANSWER: The EPA 300.0 method is added into the Cost Tables for fluoride, chloride, sulfate and nitrate. See Addendum No. 3 for revisions. The Regional Board does not consider EPA method 300.0 as sensitive as the colorimetric method for bromide, nitrite, and ortho-phosphate.
5. **QUESTION (Michael Chambers, Environmental Engineering Lab, 1/14/03 via letter; Roger Lahr, Enviromatrix, 1/23/03 via phone):** Page A-22, Item H. Can EPA 505 be substituted for EPA 508?
REGIONAL BOARD ANSWER: No. The Regional Board does not consider EPA method 505 to be acceptable for substitution for EPA 508.
6. **QUESTION (Michael Chambers, Environmental Engineering Lab, 1/14/03 via letter):** Page A-25, Item B. For plankton counts, what is the required level of quantification?
REGIONAL BOARD ANSWER: The areal standard unit counts are at 400 μm^2 and the reporting units are units/ml. This is for at least 10 fields.

7. **QUESTION (Roger Lahr, Enviromatrix, 1/16/03 via phone):** Page A-17, Bid Group Two, C. Organics, 2. e. Phenols, Can EPA 8270 be substituted for EPA 8041 for phenols?

REGIONAL BOARD ANSWER: Although, there may be a potential loss of sensitivity in using EPA 8270 in place of EPA 8041, this substitution is considered to be acceptable at this time. See Addendum No. 3 for revisions.

8. **QUESTION (Roger Lahr, Enviromatrix, 1/16/03 via phone):** Is a "sister lab" owned by the same owner considered a subcontractor and subject to the 35% subcontracting limit? Or can they be considered the same company?

REGIONAL BOARD ANSWER: Only if the federal tax identification number is identical they are considered the same company, if the federal tax identification number is different the laboratories are considered to be separate companies.

9. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** What is considered to be an acceptable location for delivery of samples. Would drop off facilities for commercial couriers (e.g., FedEx, UPS, California Overnight or others) be acceptable?

REGIONAL BOARD ANSWER: Commercial courier facilities are NOT acceptable locations for delivery of samples. An acceptable location for the delivery of samples is a location within 20 miles of the Regional Board office located at 9174 Sky Park Court, Suite 100, San Diego, California 92123-4340 that is staffed by laboratory personnel trained in appropriate sample handling, preservation, transportation procedures and protocol.

10. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** On page 11, number 3, the rates charged for special testing, interpretation, and testimony vary depending on the expertise level of individuals involved, or the cost of instrumentation involved. May we quote various rates or attach our standard rate sheets?

REGIONAL BOARD ANSWER: YES.

11. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Is it correct to assume that special pick-ups will only be requested for samples requiring urgent or emergency priority turn around time?

REGIONAL BOARD ANSWER: NO.

12. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** If samples can be delivered the same day using a commercial shipper which can deliver to the lab in 2 to 4 hours, can the requirement for pick-up by the laboratory be waived?

REGIONAL BOARD ANSWER: NO.

13. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter and 1/30/03 via email): TURN AROUND TIME - Many of the tests listed on the bid sheets can only be done by a few labs nationally and can not be done within 10 days. Most radiochemistry, dioxin and many types of bioassays simply require more time not only for the analyses but also to allow for shipment of samples. Please state how you wish the lab to communicate which tests require additional time?

REGIONAL BOARD ANSWER: The bidder is to identify each test that requires additional time and the amount of time required on the Laboratory Schedule of Costs Tables. Identify the Analysis, Method or Reference, and the amount of time required for each instance where additional time is required.

14. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): How can the penalty clauses be mitigated for tests requiring more than 10 workdays for routine turn around time?

REGIONAL BOARD ANSWER: Payment penalties will apply unless the SWRCB project representative grants a time extension.

15. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): What provision is made for tests and reporting where 2-day turn around time is impossible? For example, methods requiring things like 48-hour extractions, four or five day incubations, etc.?

REGIONAL BOARD ANSWER: For each particular test method where the specified turn around time is not possible, indicate what turn around time is possible.

16. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Subcontracting of Special Tests (page 36 paragraph 2) - If the SWRCB negotiates a price with a subcontractor, will they include the shipping turn around time and electronic deliverables in such a negotiated price? In short, will the contractor only have the responsibility for processing the invoice?

REGIONAL BOARD ANSWER: The contract will be with the contractor, not the subcontractor. Therefore, the contractor will have the responsibility for processing the invoice.

17. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Will the contractor have the responsibility for discounting invoices for late work or the responsibility for entering electronic data?

REGIONAL BOARD ANSWER: YES

18. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Liability Insurance - Since this is an analytical service contract, can the requirements for having insurance to cover excavation, drilling, demolition, pest control, fumigation, crop, spraying, etc. and the requirements for insurance for any aircraft or watercraft be deleted?

REGIONAL BOARD ANSWER: This language is the SWRCB representative's boilerplate language that covers all possible scenarios of liability; the contractor need only comply with the activities that pertain to it.

19. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Laboratory Schedule of Cost Tables, Pages A-15 through A-19, The methods listed seem to have mixed up EPA method numbers and method numbers from "Standard Methods". Please revise bid sheets to indicate the desired methods.

REGIONAL BOARD ANSWER: Thank you for advising us of this, see Addendum No. 3 for revisions.

20. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Per page 31 "Commitment to Analytical Excellence", most modern labs have transitioned from flame AA and graphite furnace AA to ICP (AES) and ICP/MS for determining metals. May the labs bid ICP instead of AA and ICP/MS instead of GFAA when these are listed on the bid sheets?

REGIONAL BOARD ANSWER: If a bidder does not use a particular method specified in the Cost Tables, then the bidder may cross out that method (or methods) not used, and substitute the method (or methods) to be used. Please note that the Regional Board will evaluate the substitution against other bid submittals.

21. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** To be certified by ELAP for a specific method requires an initial demonstration of capability and determination of method detection limits (MDLs) and practical quantitation limits (PQLs) for each method and at least annual performance evaluations for the method. Is it the Board's intention that the contractor or its subcontractor have and maintain certification for (on pages A-1 and A-2) both methods for boron, both methods for chloride, all five methods for chlorine, all three methods for cyanide, all three methods for fluoride, all three methods for sulfate, and both methods for sulfide? or can we simply bid the method (or methods) commonly used to determine these compounds?

REGIONAL BOARD ANSWER: If a bidder does not use a particular method specified in the Cost Tables, then the bidder may cross out that method (or methods) not used, and substitute the method (or methods) to be used. Please note that the Regional Board will evaluate the substitution against other bid submittals.

22. QUESTION (Mike Chambers, Environmental Engineering Lab, 2/3/03 via email; and Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Pages A-10, A-11, Bid Group One, C. Organics, 2.a, b, and c. Would like to use EPA 8260 in place of EPA 601/8010B; 602/8020A; 601/602 or 8021A.

REGIONAL BOARD ANSWER: The method for EPA 8260 has been added. See Addendum No. 3 for revisions.

23. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Organic Analysis. Many EPA methods for organic analysis are seldom requested such as EPA 603, 604, 605, 607, 610, etc. and 8031, 8041, 8061, 8100, etc. All of the compounds sought by these GC methods can be determined by the corresponding BNA (GC/MS) methods 625 or 8270. Can the bidders bid these tests using the GS/MS methods instead of the GC methods?

REGIONAL BOARD ANSWER: The Minimum Levels (MLs) for GC methods and GC/MS methods vary. In general the GC methods have higher sensitivities than the GC/MS methods. If the bidder chooses to use the alternate BNA (GC/MS) methods, instead of the GC method, then the bidder shall cross out the (GC/MS) method not used in red color and write in the GC method used in red color. The Regional Board will take these factors into consideration when determining the winning bid.

24. QUESTION (Mike Chambers, Environmental Engineering Lab, 1/3/03 via email; and Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Page A-10. Please specify the analytical methods to be used to determine Nonyl phenol, Nonyl phenol ethoxylates (NPE), and Linear alkylbenzene sulfonates (LAS). Is there a laboratory that can run these tests?

REGIONAL BOARD ANSWER: Linear alkylbenzene sulfonates (LAS) can be determined using MSBS. The United States Geological Survey (USGS) has methods of analysis of nonyl phenol and nonyl phenol ethoxylates, and can do these analyses, their internet website may be found on at <www.usgs.gov>. See Addendum No. 3 for revisions.

25. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Biological (page A-24, 311) Please clarify types of samples, Giardia and Cryptosporidium Methods are for relatively clean samples, not "all matrices". The sample type for Giardia and Cryptosporidium would be Water and or Wastewater.

REGIONAL BOARD ANSWER: The sample type for Giardia and Cryptosporidium would be Water and/or Wastewater. See Addendum No. 3 for revisions.

26. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Bid Group Five - Radiological - The bid sheets for other parameters recognize that costs for testing certain parameters vary between say drinking water and solid wastes. This variation is also true for radiological parameters. One price can not be quoted that will cover clean drinking waters and high activity mixed wastes. Please provide bid sheets for the desired analyses for Drinking water, Wastewater, Solid wastes, Mixed waste, and Highly contaminated wastes.

REGIONAL BOARD ANSWER: There will be a bid sheet for Water/ Wastewater and a separate bid sheet for Solid Wastes (Low Level). See Addendum No. 3 for revisions.

27. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Electronic Reporting - The proposed format seems to be incompletely defined. What type of file is expected, Excel, Access, flat file, comma delimited, or what?

REGIONAL BOARD ANSWER: The Regional Board prefers that the Analytical Results Database be submitted in Microsoft Access database format (see IFB, Section O, entitled Analytical Results Database and Submittal Procedure).

28. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Electronic Reporting. How many characters are to be in each database field?

REGIONAL BOARD ANSWER: This was not defined because we would like to leave that flexible depending upon the field length needed by the individual bidder.

29. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Please provide an electronic copy of a typical report.

REGIONAL BOARD ANSWER: The Regional Board chooses to remain flexible on the format of the typical report. The format is likely to be dependent on the style of the individual laboratory awarded the contract. Presently, there is no standard format.

30. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): The proposed fields seem okay for routine chemical tests but not necessarily adaptable to other types of analyses. Please describe how you wish to have microbiological, bioassay data reported.

REGIONAL BOARD ANSWER: This was not defined because we would like to leave that flexible depending upon the reporting style of the bidder.

31. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Please indicate the reporting format required for radiochemical data.
REGIONAL BOARD ANSWER: This was not defined because we would like to leave that flexible depending upon the reporting style of the bidder.
32. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Can the electronic data reporting system accommodate the negative numbers often seen with radiochemistry measurements?
REGIONAL BOARD ANSWER: Since the electronic data reporting system is new, the bidder awarded the contract will develop the format of the electronic reporting. If the radiochemistry measurements require negative measurements, then the bidder awarded the contract shall accommodate that into the electronic report.
33. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Pricing - Please provide the prices currently being paid for tests being done by the Board's current contractor.
REGIONAL BOARD ANSWER: The previous schedule of costs is available for viewing on the Regional Board website (<http://www.swrcb.ca.gov/rwqcb9/misc/lab.html>).
34. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Please indicate if the previous contract requires: 10 day turn around time.
REGIONAL BOARD ANSWER: The previous contract stated that, "The laboratory must be capable of analyzing samples within time frames required by approved test procedures and providing to Regional Water Board staff verbal results of analyses within ten (10) working days of sample submittal and written results within fifteen (15) working days of sample submittal on a routine basis."
35. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter and 1/30/03 via email):** Please indicate if the previous contract requires: Electronic Deliverables.
REGIONAL BOARD ANSWER: The previous contract did not require electronic deliverables.
36. **QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter):** Please indicate if the previous contract contains Late Penalties.
REGIONAL BOARD ANSWER: Yes the previous contract contained certain provisions for percent discounts for written results turned in late, and also certain provisions for cancellation of the agreement in the case of excessive late submittals.

37. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Please indicate if the Board wishes to have overspikes done of their samples and have them billed as added samples.

REGIONAL BOARD ANSWER: The Regional Board requires normal quality assurance under routine circumstances. The cost of normal quality assurance (e.g., overspikes) should be included in the unit costs (routine) for each of the analysis methods.

38. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Will field and travel blanks be supplied as additional samples to be tested, and billed?

REGIONAL BOARD ANSWER: YES

39. QUESTION (Norman Hester, Truesdail Lab Inc, 1/28/03 via letter): Does the business awarded this bid need to be a State certified small business?

REGIONAL BOARD ANSWER: YES. If an award is made as a result of this solicitation, it shall be to the responsive/responsible bidder certified by the Department of General Services, Procurement Division, Office of Small Business and DVBE Certification (OSDC) formerly known as the Office of Small Business Certification and Resources (OSBCR) as a "certified small business"; or "micro business"; or "disabled veteran business enterprise". Information about how to become a "certified small business" or "micro business", or "disabled veteran business enterprise" is available on the following internet site:

<http://www.pd.dgs.ca.gov/smbus/default.htm>.

40. QUESTION (Norman Hester, Truesdail Labs, 1/30/03 via email): Was there a requirement that the laboratory have a presence within 20 miles of your office in the previous Invitation for Bid (IFB)? If so, how was Babcock (located in Riverside, CA) meeting the 20 mile requirement?

REGIONAL BOARD ANSWER: The previous IFB stated in the Logistics and Sample Custody section,

"The laboratory must be located within 20 miles or have an alternative location for the delivery of samples (alternative drop-off site)(ADS) within 20 miles of the Regional Water Board office at... For the purposes of the bid, it should be assumed that the laboratory will retrieve and transport all samples collected by the Regional Board staff. Regional Board samples must be retrieved by laboratory personnel trained in appropriate sample handling, preservation, and transportation procedures and protocol. If an ADS is proposed, the ADS must be staffed by laboratory personnel trained in appropriate sample handling, preservation, and transportation procedures and protocol. In practice, Regional Board staff may deliver samples to the laboratory or the ADS if one is proposed. Bidders should include in their submittal a description of how they will handle the shipping of containers to the Regional Board and the shipment of samples back to the laboratory. Transportation expense should be included in the analyses prices submitted on the attached Bid Response Form and must not be listed as a separate charge.

Samples may be delivered by Regional Board staff without prior notice. The number of samples may vary. The laboratory or location for delivery must be available to receive samples from 8:00 AM to 5:30PM, Monday through Friday and at special times mutually agreed upon by the laboratory and Regional Board staff. The contract laboratory must provide sampling containers and emergency pick-up of samples at any location within the San Diego Region upon four hours notice, seven days a week, 24 hours a day. The laboratory must institute procedural safeguards to ensure exclusive custody and safekeeping of the samples, and designate individuals responsible for custody of such samples. Bidder's signature on Attachment I represents compliance with the requirements in this paragraph."

In essence, Babcock met the 20-mile requirement by having an alternative drop-off site.

Also note that the Standard Agreement (page 24) has been modified to allow for an alternative drop-off site. See Addendum No. 3 for the revisions.

- 41. COMMENT (Norman Hester, Truesdail Labs 1/30/03 via email):** The bid sheets as structured give a tremendous advantage to the incumbent contractor. Clearly your staff is attempting to get pricing for every chemical and every version of a test that may possibly be encountered. The incumbent lab knows that you never request certain tests or knows that you always request a specific version of tests for a certain parameter. With this knowledge and just a small risk, the incumbent bids an unrealistically low price on those tests they expect to never do. This was clearly done on the bid sheets that were attached to your email. By doing this, the total bid used to determine the winner is not really reflective of the costs the board will actually experience and you may or may not be getting the best pricing for the tests that are actually needed. If you want a realistic bid eliminate everything from the bid sheet less than five.

REGIONAL BOARD ANSWER:

The estimated number of samples per year for each analytic procedure listed is provided to (1) assist the bidder in the determination of the unit cost for each routine analysis; and (2) determine the total estimated yearly cost of each routine analytic procedure. Although the estimates listed are considered to be reasonably accurate, the Regional Board does not guarantee that the actual number of samples requested during the term of the Agreement will be equal to the estimates listed in this IFB.

All bidders must quote a price for every analytical procedure (or indicate N/C for 'no charge') in order to be considered responsive. Incomplete bids cannot be considered, as they cannot be evaluated against other submittals.

42. QUESTION (Marilyn Romero, Weck Labs, 2/3/03 via phone; Rick Forsyth 2/3/03 via phone): Should the bidder send in a bid if it is over \$99,999.99?

REGIONAL BOARD ANSWER: NO. The bid amounts must be received below this amount.

43. QUESTION (Roger Lahr, Enviromatrix, 3/7/02 via phone): Can equivalent Standard Methods be substituted for EPA methods listed in the Cost Tables?

REGIONAL BOARD ANSWER: Standard Methods may be substituted for EPA methods, as long as the EPA recognizes the Standard Method as being equivalent. The bidder may cross out that method (or methods) not used, and substitute the method (or methods) to be used. Please note that the Regional Board will evaluate the substitution against other submittals.